

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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SHANE C. **HOLLMER** and LEE E. CLEVELAND  
Junior Party  
(Patent 5,828,601)<sup>1</sup>

v.

ELIYAHOU **HARARI** and SANJAY MEHROTRA  
Senior Party  
(Application 09/310,880)<sup>2</sup>

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Patent Interference No. 105,606  
(Technology Center 2800)

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Before: RICHARD E. SCHAFER, JAMESON LEE, and RICHARD TORCZON,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

**Judgment – Bd. R. 127**

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1 Based on Application 08/160,582, filed December 1, 1993. The real party in interest is Spansion LLC.

2 Filed May 14, 1999. The real party in interest is SanDisk Corporation. Accorded the benefit of Application 08/771,708, filed December 20, 1996, now issued as Patent 5,991,517; Application 08/174,768, filed December 29, 1993, now issued as Patent 5,602,987; Application 07/963,838, filed October 20, 1992, now issued as Patent 5,297,148; and Application 07/337,566, filed April 13, 1989.

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Harari has been accorded benefit of Application 07/337,566, filed April 13, 1989, with respect to Count 1. (Paper 67). In Hollmer's priority statement, Holler states that its earliest corroborated date of conception was April 23, 1993. (Paper 35). Because Hollmer does not assert a date of invention prior to the benefit date accorded Harari, it is now time appropriate for entry of judgment against Hollmer.

It is

**ORDERED** that judgment on priority as to Count 1 is entered against junior party SHANE C. HOLLMER and LEE E. CLEVELAND;

**FURTHER ORDERED** that junior party's claims 1-3 and 14-16 of Patent 5,828,601, which correspond to Count 1, are CANCELLED;

**FURTHER ORDERED** that the parties shall note the requirements of 35 U.S.C. §135(c) and Bd.R. 205; and

**FURTHER ORDERED** that a copy of this judgment shall be entered into the file of Application 09/310,880, and Patent 5,828,601.

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By Electronic Transmission

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